



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 5258-99
21 March 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 N130D1/0U0062 of 7 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
5420
N130D1/0U0062
07 Feb 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF PETTY OFFICER
[REDACTED]

Encl: (1) BCNR File #05258-99 with microfiche service record

1. The following provides comment and recommendation on Petty Officer Bengtson's petition.
2. N130 recommends deny Petty Officer [REDACTED] petition.
3. While assigned to Navy Recruiting Command, Las Vegas North, Petty Officer [REDACTED] served in a Navy Enlisted Classification Code (NEC) 9585 billet. He claims he was not paid SDAP from 29 March 1999 to 01 June 1999. In his petition, Petty Officer [REDACTED] requests payment of SDAP for this period.
4. In accordance with Navy policy, to receive SDAP a member must be assigned to and working in an authorized billet identified as an Special Duty Assignment (SDA). Also, the commanding officer must certify that a member is fully qualified for and serving in the billet before payment can start. Petty Officer Bengtson was not working in the NEC 9585 billet from 29 March to 01 June 1999. Therefore, he is not entitled to SDAP for any period before 26 November 1996.
5. BCNR case file with microfiche service record is returned herewith as enclosure (1).

VICTOR D. MICKEL
Assistant, Enlisted Bonus
Program Branch